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CHRISTOPHER W. BOSH

10

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

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CHRISTOPHER W. BOSH, an individual,

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Plaintiff,

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vs.

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SHED MEDIA US INC., a Delaware  
corporation; and ALLISON M. MATHIS,  
17 an individual; and DOES 1 through 10,  
inclusive,

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Defendants.

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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

BY:

11 MAY -2 PM 3:46

FILED

CASE NO. 03782 DMG (PJM)

COMPLAINT FOR:

- (1) Trademark Infringement [15 U.S.C. § 1125(a)];
- (2) Trademark Dilution [15 U.S.C. § 1125(c)];
- (3) False Advertising [15 U.S.C. § 1125(a)];
- (4) False Endorsement [15 U.S.C. § 1125(a)];
- (5) California Common Law Misappropriation of Likeness and Right of Publicity;
- (6) Misappropriation of Likeness and Right of Publicity [Cal. Civ. Code § 3344];
- (7) Conversion;
- (8) Intrusion;
- (9) Public Disclosure of Private Facts;
- (10) Unfair Competition [Cal. Bus. & Prof. Code § 17200];
- (11) Unjust Enrichment.

1 Plaintiff CHRISTOPHER W. BOSH (“Plaintiff” or “Bosh”) for his  
2 Complaint alleges as follows:

3 **NATURE OF THE ACTION**

4 1. Plaintiff seeks damages and an injunction to prevent Defendants  
5 SHED MEDIA US INC. (“SHED MEDIA”), ALLISON M. MATHIS  
6 (“MATHIS”), and DOES 1 through 10, inclusive (collectively, “Defendants”) from  
7 infringing and diluting Plaintiff’s trademarks, disseminating false advertising in  
8 commerce, misappropriating Plaintiff’s name and/or likeness, violating Plaintiff’s  
9 right of publicity, falsely claiming endorsement by Plaintiff, converting Plaintiff’s  
10 life rights; intruding into Plaintiff’s private affairs; publicly disclosing Plaintiff’s  
11 private facts; engaging in unfair competition practices; and unjustly enriching  
12 themselves at Plaintiff’s expense.

13 **PARTIES**

14 2. Plaintiff is a resident of Dallas County, State of Texas.  
15 3. On information and belief, Defendant SHED MEDIA is a Delaware  
16 corporation with its principal place of business at 3800 Barham Boulevard, Suite  
17 410, Los Angeles, California 90068.

18 4. On information and belief, Defendant MATHIS is a resident of  
19 Orange County, State of Florida.

20 5. Plaintiff is ignorant of the true names and capacities of defendants  
21 sued herein as DOES 1 through 10, inclusive, and therefore sues these defendants  
22 by such fictitious names. Plaintiff will amend this Complaint to allege their true  
23 names and capacities when the same have been ascertained.

24 6. Plaintiff is informed and believes, and on that basis alleges, that at all  
25 times mentioned herein, each Defendant was the agent of its co-defendants, and in  
26 doing the acts alleged herein was acting within the course and scope of such  
27 agency, and/or aided, abetted, cooperated with, and/or conspired with one another  
28 to do the acts alleged herein.

## **JURISDICTION AND VENUE**

7. Jurisdiction of these claims arise under the trademark laws of the United States as set forth in the Lanham Act, 15 U.S.C. § 1051 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1332 (diversity), and 28 U.S.C. § 1338(a) (trademarks). This Court also has supplemental jurisdiction over the state law claims.

8. As to diversity jurisdiction, there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) in that a substantial portion of the events giving rise to the claim occurred in this District.

## **FACTUAL ALLEGATIONS**

10. Plaintiff is a professional athlete who plays basketball for the National Basketball Association (“NBA”) team Miami Heat. Plaintiff is one of the most renowned players in the NBA.

11. Plaintiff is the natural father of T.M.B., a minor ("the Minor Child").

12. Defendant MATHIS is the natural mother of the Minor Child.

13. On information and belief, Defendant MATHIS has been hired to star in the third season of a VH1 reality television show titled "Basketball Wives," which is produced by Defendant SHED MEDIA.

14. Though the reality television show is titled “Basketball Wives” (emphasis added), the featured women in the show are not the current wives of NBA players. Instead, the show follows the lives of women who are *dating*, or who *dated*, NBA basketball players, or who were *formerly* married to NBA players; and, thus, provides these women with a vehicle and worldwide platform to use, without permission or authorization, the names and/or likenesses of famous NBA professional basketball players they know on a personal level for their own commercial gain.

15. On information and belief, Defendant SHED MEDIA sought Defendant MATHIS' participation in its show "Basketball Wives," primarily based on Defendant MATHIS's prior personal relationship with Plaintiff and current relationship with Plaintiff as mother of the Minor Child, and thus to use Plaintiff's name and/or likeness for commercial gain, without Plaintiff's authorization.

16. Defendant MATHIS is attempting to promote her own commercial brand and become a television personality and/or celebrity by exploiting (a) her former relationship with Plaintiff, (b) the fact that Plaintiff is the father of the Minor Child, (c) Plaintiff's name and/or likeness for commercial gain. Defendant SHED MEDIA also intends to profit from Defendant MATHIS's exploitation as described herein.

17. The use of Plaintiff's name by Defendants is primarily commercial and not communicative. Further, the show "Basketball Wives" is not transformative, but rather the use, depiction or imitation of celebrity NBA professional basketball players, including Plaintiff, is the very sum and substance of the show.

18. As Defendants' uses of Plaintiff's name and/or likeness and trademarks amount to little more than the appropriation of Plaintiff's and or Plaintiff's trademarks' economic value, Defendants' uses do not amount to protected expression under the First Amendment. Defendants are not "expressing" anything other than their attempt to profit from Plaintiff's fame.

19. In a good faith effort to avoid legal proceedings, Plaintiff's counsel contacted Defendant MATHIS's counsel regarding her participation in the "Basketball Wives" reality show, but her counsel not only confirmed but emphasized Defendant MATHIS's intended continuing participation in the show.

## **FIRST CLAIM FOR RELIEF**

(Trademark Infringement, 15 U.S.C. § 1125(a))

20. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

1       21. Plaintiff is the owner of valid, distinctive marks in CHRISTOPHER  
2 W. BOSH, CHRISTOPHER BOSH, and CHRIS BOSH (and any variants  
3 sufficient to identify Plaintiff) (the “Marks”) as to, *inter alia*, videos depicting  
4 events in Plaintiff’s life and his involvement with young children, encouraging  
5 them to participate in after-school basketball programs. Plaintiff offers these  
6 videos through YouTube (<http://www.youtube.com/user/cboshtv?blend=1&ob=4>)  
7 and receives a portion of advertising revenues from his YouTube page. Through  
8 such usage and through extensive publicity and news coverage of Plaintiff’s  
9 professional career and performance, the Marks have acquired distinctiveness and  
10 secondary meaning. The Marks are strong and well-known and are entitled to a  
11 broad scope of protection.

12       22. Further, Plaintiff’s name, identity and persona serves as his trademark  
13 for purposes of, *inter alia*, endorsements.

14       23. On information and belief, Defendants are using and/or have  
15 threatened to use the Marks in commerce in connection with the “Basketball  
16 Wives” show, and such use is likely to cause confusion or to cause mistake, or to  
17 deceive as to the affiliation, connection, or association of Defendants with  
18 Plaintiff, or as to the origin, sponsorship, or approval of Defendants’ show and/or  
19 services. Defendants’ use of the Marks has not been authorized by Plaintiff.  
20 Viewers of the “Basketball Wives” show are likely to believe that Defendant  
21 MATHIS’s involvement in the show indicates an affiliation, connection,  
22 association with, and/or sponsorship or approval of Plaintiff. This is especially  
23 true because of the nature and title of the “Basketball Wives” show, the former  
24 relationship between Defendant MATHIS and Plaintiff, and the fact that at least  
25 one other NBA player has previously appeared on the show.

26       24. As a result of Defendants’ infringing acts, Plaintiff has been injured in  
27 an amount not yet fully determined, but believed to be in excess of \$75,000,  
28 exclusive of costs and interests. In addition, as a result of Defendant’s infringing

1 acts, Plaintiff has suffered and will continue to suffer irreparable harm, and  
2 Plaintiff has no adequate remedy at law with respect to this injury. Unless  
3 Defendants' infringing acts are enjoined by this Court, Plaintiff will continue to  
4 suffer a risk of irreparable harm.

5        25. On information and belief, Defendants' infringing acts have been  
6 knowing, intentional, wanton, and willful, entitling Plaintiff to treble damages,  
7 profits, attorneys fees, and costs pursuant to 15 U.S.C. § 1117.

## **SECOND CLAIM FOR RELIEF**

(Trademark Dilution, 15 U.S.C. § 1125(c))

10       26. Plaintiff incorporates by reference all of the above paragraphs of this  
11 Complaint as though fully stated herein.

12 27. Plaintiff is the owner of the Marks, which are famous and distinctive.

13        28. On information and belief, Defendants are using identical or nearly  
14 identical trademarks.

15 ||| 29. Defendants' use began after Plaintiff's Marks became famous.

16       30. Defendants' use of the Marks is likely to cause dilution by blurring or  
17 tarnishment of the Marks, as, on information and belief, Defendant MATHIS has  
18 made and will continue to make statements (which on information and belief will  
19 be included in the show by Defendant SHED MEDIA) that will harm Plaintiff's  
20 reputation and Marks. On information and belief, these statements, which are  
21 untrue, relate to Plaintiff's parenting skills in a negative manner, and therefore are  
22 likely to undermine Plaintiff's Marks in association with videos that encourage and  
23 promote basketball programs for children.

24       31. As a result of Defendant's infringing and/or threatened acts, Plaintiff  
25 has suffered and/or will continue to suffer irreparable harm, and Plaintiff has no  
26 adequate remedy at law with respect to this injury. Unless Defendants' acts are  
27 enjoined by this Court, Plaintiff will continue to suffer a risk of irreparable harm.

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32. On information and belief, Defendants willfully intended to trade on Plaintiff's reputation and/or to cause dilution of Plaintiff's famous Marks. On information and belief, Defendant MATHIS would not be involved in the "Basketball Wives" show but for her prior relationship with Plaintiff and her willingness to harm Plaintiff's reputation. Defendants' willfulness entitles Plaintiff to recover monetary damages believed to be in excess of \$75,000, exclusive of costs and interests. On information and belief, Defendants' acts have been knowing, intentional, wanton, and willful, and therefore Plaintiff is further entitled to treble damages, profits, attorneys fees, and costs pursuant to 15 U.S.C. § 1117.

### **THIRD CLAIM FOR RELIEF**

(False Advertising, 15 U.S.C. § 1125(a))

33. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

34. On information and belief, in commerce, (i) Defendant SHED MEDIA advertises its “Basketball Wives” show using the title of the show and touting the participation of Defendant MATHIS based on her relationship with Plaintiff; (ii) Defendant MATHIS also and independently advertises her services as a television personality by citing and referring to her involvement on the show “Basketball Wives” and her relationship with Plaintiff (all collectively, “Statements”). The Statements may or may not be literally true but in either event are likely to mislead or confuse consumers that Defendant MATHIS is either married to Plaintiff and/or has special insight into Plaintiff’s current life.

35. On information and belief, the Statements have actually deceived or have the tendency to deceive a substantial segment of Defendants' audience.

36. On information and belief, said deception is material in that it is likely to influence consumers to watch the “Basketball Wives” show. In fact, on information and belief, the entire premise of the show is to entice viewers and potential viewers to watch the program by suggesting or encouraging them to

1 believe that they may thus learn “insider” or confidential facts and information  
2 about NBA players such as Plaintiff.

3       37. As a result of Defendants’ false advertising, Plaintiff has been injured  
4 in an amount not yet fully determined, but believed to be in excess of \$75,000,  
5 exclusive of costs and interests. In addition, as a result of Defendants’ false  
6 advertising, Plaintiff has suffered and will continue to suffer irreparable harm  
7 through, without limitation, the loss of goodwill, and Plaintiff has no adequate  
8 remedy at law with respect to this injury. Unless Defendants’ false advertising is  
9 enjoined by this Court, Plaintiff will continue to suffer a risk of irreparable harm.

10      38. On information and belief, Defendants’ false advertising has been  
11 knowing, intentional, wanton, and willful, entitling Plaintiff to treble damages,  
12 profits, attorneys fees, and costs pursuant to 15 U.S.C. § 1117.

#### 13                          **FOURTH CLAIM FOR RELIEF**

14                          (False Endorsement, 15 U.S.C. § 1125(a))

15      39. Plaintiff incorporates by reference all of the above paragraphs of this  
16 Complaint as though fully stated herein.

17      40. Plaintiff’s Marks are legally protectable and owned by Plaintiff.

18      41. Defendants’ use of the Marks, and of Plaintiff’s identity and persona,  
19 all as alleged above, constitutes or suggests an endorsement of the show  
20 “Basketball Wives” by Plaintiff, which said endorsement is false and in violation  
21 of 15 U.S.C. § 1125(a). Plaintiffs are using or threatening to use Plaintiff’s  
22 celebrity identity in connection with their entertainment services and the products  
23 advertised therein in such a way that consumers are likely to be misled about  
24 Plaintiff’s sponsorship or approval of said goods and services.

25      42. As a result of Defendants’ said false endorsement, Plaintiff has been  
26 injured in an amount not yet fully determined, but believed to be in excess of  
27 \$75,000, exclusive of costs and interests. In addition, as a result of Defendants’  
28 false endorsement, Plaintiff has suffered and will continue to suffer irreparable

1 harm through, without limitation, the loss of goodwill, and Plaintiff has no  
2 adequate remedy at law with respect to this injury. Unless Defendants are enjoined  
3 by this Court, Plaintiff will continue to suffer a risk of irreparable harm.

4       43. On information and belief, Defendants' false endorsement has been  
5 knowing, intentional, wanton, and willful, entitling Plaintiff to treble damages,  
6 profits, attorneys fees, and costs pursuant to 15 U.S.C. § 1117.

## FIFTH CLAIM FOR RELIEF

## (California Common Law Misappropriation of Likeness and Right of Publicity)

9       44. Plaintiff incorporates by reference all of the above paragraphs of this  
10 Complaint as though fully stated herein.

11 ||| 45. Plaintiff owns an enforceable right in his own identity.

12       46. Defendants, without permission, have used Plaintiff's identity or  
13 persona for commercial or business purposes in such a way that Plaintiff is  
14 identifiable from such use.

15       47. Specifically, on information and belief, Defendants appropriated  
16 Plaintiff's name and/or likeness in association with the "Basketball Wives" reality  
17 show.

18       48. On information and belief, Defendant MATHIS appropriated  
19 Plaintiff's name and/or likeness to her own advantage in her pursuit of being paid  
20 or achieving fame primarily through her connection to Plaintiff.

21       49. On information and belief, Defendant SHED MEDIA appropriated  
22 Plaintiff's name and/or likeness to its advantage in drawing a larger audience  
23 through such appropriation.

24       50. Plaintiff did not consent to Defendants' appropriation of Plaintiff's  
25 name and/or likeness.

26       51. Such use by Defendants is likely to cause damage to the commercial  
27 value of Plaintiff's persona.

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52. As a result of Defendants' misappropriation, Plaintiff has been injured in an amount not yet fully determined, but believed to be in excess of \$75,000, exclusive of costs and interests. The damage suffered by Plaintiff includes without limitation damage to reputation, personal feelings, and loss of publicity value.

53. In addition, as a result of Defendants' misappropriation, Plaintiff has suffered and will continue to suffer irreparable harm through, without limitation, the loss of goodwill, and Plaintiff has no adequate remedy at law with respect to this injury. Unless Defendants' misappropriation is enjoined by this Court, Plaintiff will continue to suffer a risk of irreparable harm.

10       54. On information and belief, Defendants' misappropriation has been  
11 knowing, intentional, wanton, and willful, entitling Plaintiff to treble damages,  
12 profits, attorneys fees, and costs.

## **SIXTH CLAIM FOR RELIEF**

14      (Misappropriation of Likeness and Right of Publicity, Cal. Civ. Code § 3344)

15       55. Plaintiff incorporates by reference all of the above paragraphs of this  
16 Complaint as though fully stated herein.

17       56. On information and belief, Defendant MATHIS knowingly  
18 misappropriated Plaintiff's name and/or likeness and right of publicity in  
19 association with her appearance and/or agreement to appear on "Basketball Wives"  
20 reality show, which constitutes commercial sponsorship and/or advertisement as a  
21 television personality/celebrity primarily through her relationship with Plaintiff  
22 and her willingness to divulge details, whether true or false, regarding Plaintiff.

23       57. On information and belief, Defendant SHED MEDIA knowingly  
24 misappropriated or has threatened to misappropriate Plaintiff's name and/or like-  
25 ness and right of publicity in connection with its "Basketball Wives" reality show.

58. Plaintiff did not consent to Defendants' misappropriation of Plaintiff's name and/or likeness and right of publicity. Defendants knew or should have known that their misappropriation of Plaintiff's name and/or likeness and right of

1 publicity was not authorized by Plaintiff, as, *inter alia*, Plaintiff informed  
2 Defendant MATHIS, through her counsel, of Plaintiff's non-consent.

3       59. As a result of Defendants said misappropriation, Plaintiff has been  
4       injured in an amount not yet fully determined, but believed to be in excess of  
5       \$75,000, exclusive of costs and interests. The damage suffered by Plaintiff  
6       includes without limitation damage to reputation, personal feelings, and loss of  
7       publicity value. In the alternative, Plaintiff is entitled to statutory damages under  
8       Cal. Civ. Code § 3344(a).

9       60. In addition, as a result of Defendants' said misappropriation, Plaintiff  
10 has suffered and will continue to suffer irreparable harm through, without  
11 limitation, the loss of goodwill, and Plaintiff has no adequate remedy at law with  
12 respect to this injury. Unless Defendants' said misappropriation is enjoined by this  
13 Court, Plaintiff will continue to suffer a risk of irreparable harm.

14       61. On information and belief, Defendants' said misappropriation has  
15 been knowing, intentional, wanton, and willful, entitling Plaintiff to treble  
16 damages, profits, attorneys fees, and costs.

## **SEVENTH CLAIM FOR RELIEF**

### (Conversion)

19       62. Plaintiff incorporates by reference all of the above paragraphs of this  
20 Complaint as though fully stated herein.

21       63. Plaintiff is the rightful owner of his personal “life rights,” known in  
22 the entertainment industry as the rights to a celebrity’s cooperation in depicting his  
23 life or portions of his life. “Life rights” are an important property that can yield a  
24 large commercial benefit to its owner, akin to a copyright, and can constitute the  
25 subject of negotiable instruments.

26 64. On information and belief, in promising to divulge alleged facts and in  
27 divulging alleged facts about Plaintiff's life without Plaintiff's authorization,  
28 Defendants have wrongfully applied Plaintiff's "life rights" to their own use. On

1 information and belief, Defendants intended to exercise dominion or control over  
2 Plaintiff's "life rights" which is inconsistent with the Plaintiff's rights thereto.

3       65. On information and belief, Defendants' conveyance of information,  
4 true or untrue, regarding Plaintiff's life substantially alters, damages, and/or  
5 destroys the value of Plaintiff's "life rights."

6       66. As a result of Defendants' conversion of Plaintiff's "life rights,"  
7 Plaintiff has been injured in an amount not yet fully determined, but to be proven  
8 at trial. The damage suffered by Plaintiff includes without limitation damage to  
9 reputation, personal feelings, and loss of publicity value. In the alternative,  
10 Plaintiff is entitled to statutory damages under Cal. Civ. Code § 3344(a).

11       67. On information and belief, said conversion has been knowing, intent-  
12      ional, wanton, and willful, entitling Plaintiff to treble damages, profits, and costs.

## **EIGHTH CLAIM FOR RELIEF**

(Intrusion)

15       68. Plaintiff incorporates by reference all of the above paragraphs of this  
16 Complaint as though fully stated herein.

17 69. Plaintiff has a right to be free from intrusion into his private affairs.

18       70. On information and belief, Defendants intend and/or intended to  
19 intrude into Plaintiff's private affairs.

71. On information and belief, Defendants have subjected or intend to subject Plaintiff to unwarranted and undesired publicity by penetrating Plaintiff's zone of privacy surrounding Plaintiff's private relationship with his Minor Child and Plaintiff's private home life and broadcasting the details on national television.

24       72. Plaintiff did not consent to Defendants' intrusion, which was and is  
25 highly offensive to a reasonable person.

26       73. Defendants' intrusion into Plaintiff's private relationship with his  
27 Minor Child and Plaintiff's private home life is not justified by any legitimate  
28 motives, such as news gathering.

1       74. As a result of Defendants' intrusion, Plaintiff has been injured in an  
2 amount not yet fully determined, an injury that includes compensatory as well as  
3 emotional distress damages, together which are believed to exceed \$75,000,  
4 exclusive of interest and costs, to be proven at trial.

5       75. As a result of Defendants' intrusion, Plaintiff has suffered and will  
6 continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law  
7 with respect to this injury. Unless Defendants' intrusion is enjoined by this Court,  
8 Plaintiff will continue to suffer a risk of irreparable harm.

9       76. On information and belief, Defendants' intrusion has been knowing,  
10 intentional, wanton, and willful, entitling Plaintiff to punitive damages, profits,  
11 attorneys fees, and costs.

## NINTH CLAIM FOR RELIEF

#### (Public Disclosure of Private Facts)

14       77. Plaintiff incorporates by reference all of the above paragraphs of this  
15 Complaint as though fully stated herein.

16        78. On information and belief, through the show “Basketball Wives,”  
17 Defendants have publicly disclosed and/or will publicly disclose private facts, inti-  
18 mate details of Plaintiff’s private life, including without limitation details regarding  
19 Plaintiff’s personal, paternal, and romantic relationships that are outside the realm  
20 of legitimate public interest. Plaintiff has not consented to such disclosure, and  
21 such private facts are or may be highly offensive to a reasonable person.

22        79. As a result of Defendants' public disclosure, Plaintiff has been injured  
23 in an amount not yet fully determined, but believed to exceed \$75,000, exclusive  
24 of interest and costs, to be proven at trial.

25       80. As a result of Defendants' continuous public disclosure through the  
26 pendency of the show, Plaintiff has suffered and will continue to suffer irreparable  
27 harm, and Plaintiff has no adequate remedy at law with respect to this injury.

28 | //

1       81. Unless Defendants' intrusion is enjoined by this Court, Plaintiff will  
2 continue to suffer a risk of irreparable harm.

3       82. On information and belief, Defendants' public disclosure has been  
4 knowing, intentional, wanton, and willful, entitling Plaintiff to punitive damages,  
5 profits, attorneys fees, and costs.

## **TENTH CLAIM FOR RELIEF**

(Unfair Competition, Cal. Bus. & Prof. Code § 17200 *et seq.*)

8       83. Plaintiff incorporates by reference all of the above paragraphs of this  
9 Complaint as though fully stated herein.

10        84. Defendants' acts described above as to their trademark infringement,  
11 trademark dilution, false advertising, false endorsement, misappropriation of  
12 likeness and right of publicity, conversion, intrusion, and public disclosure of  
13 private facts constitute unlawful, unfair, and/or fraudulent business practices in  
14 violation of Section 17200 *et seq.* of the California Business and Professions Code.

15       85. As a direct and proximate result of Defendants' wrongful acts,  
16 Plaintiff has suffered and will continue to suffer irreparable injury. Plaintiff's  
17 remedy at law is not adequate to compensate for injuries inflicted by Defendants.  
18 Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief.

19       86. By reason of such wrongful acts, Plaintiff is also entitled to disgorge  
20 Defendants from their wrongfully obtained such profits and benefits in an amount  
21 to conform to proof at trial.

## **ELEVENTH CLAIM FOR RELIEF**

### (Unjust Enrichment)

24       87. Plaintiff incorporates by reference all of the above paragraphs of this  
25 Complaint as though fully stated herein.

26 88. Defendants received substantial monetary, promotional, and  
27 reputational benefit from its use of Plaintiff's trademarks and life rights and  
28 misleading consumers to believe that Plaintiff endorses Defendants' work.

89. The benefits that Defendants reaped were at Plaintiff's expense, and to use Plaintiff's property and reputation without Plaintiff's consent constitutes wrongful conduct.

90. Plaintiff is therefore entitled to restitution of the benefits received, retained, and/or misappropriated by Defendants.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants as follows:

1. For all compensatory, special, punitive/treble, and statutory damages allowed by law according to proof;
2. For disgorgement of Defendants' profits acquired by their wrongful acts;
3. For a preliminary and permanent injunction enjoining and restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, and all persons acting for or on behalf of Defendants from infringing on Plaintiff's Trademarks;
4. For a preliminary and permanent injunction enjoining and restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, and all persons acting for or on behalf of Defendants from diluting Plaintiff's Trademarks;
5. For a preliminary and permanent injunction enjoining and restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, and all persons acting for or on behalf of Defendants from falsely advertising Defendant MATHIS's involvement with the "Basketball Wives" reality show;
6. For a preliminary and permanent injunction enjoining and restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, and all persons acting for or on behalf of

1 Defendants from falsely suggesting that Plaintiff endorses the  
2 “Basketball Wives” reality show;

3 7. For a preliminary and permanent injunction enjoining and restraining  
4 Defendants, and each of them, and all of their agents, officers,  
5 employees, affiliates, and all persons acting for or on behalf of  
6 Defendants from misappropriating Plaintiff’s name and/or likeness;  
7 8. For a preliminary and permanent injunction enjoining and restraining  
8 Defendants, and each of them, and all of their agents, officers,  
9 employees, affiliates, and all persons acting for or on behalf of  
10 Defendants from intruding upon Plaintiff’s private life;  
11 9. For a preliminary and permanent injunction enjoining and restraining  
12 Defendants, and each of them, and all of their agents, officers,  
13 employees, affiliates, and all persons acting for or on behalf of  
14 Defendants from misappropriating Plaintiff’s name and/or likeness;  
15 10. For a preliminary and permanent injunction enjoining and restraining  
16 Defendants, and each of them, and all of their agents, officers,  
17 employees, affiliates, and all persons acting for or on behalf of  
18 Defendants from publicly disclosing details regarding Plaintiff’s  
19 private life;  
20 11. For reasonable attorney’s fees and costs of suit herein; and  
21 12. For such other and further relief as the court may deem proper.

22 Dated: April 27, 2011

23 Respectfully submitted,  
24 GORDON & REES LLP

25 by

26   
27 Richard P. Sybert  
28 Yuo-Fong C. Amato  
C. Anthony Mulrain  
Attorneys for Plaintiff  
CHRISTOPHER W. BOSH

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury for all claims triable by a jury.

Dated: April 27, 2011

Respectfully submitted,  
GORDON & REES LLP

by

Richard P. Sybert  
Yuo-Fong C. Amato  
C. Anthony Mulrain  
Attorneys for Plaintiff  
**CHRISTOPHER W. BOSH**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

**CV11- 3782 DMG (PJWx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

**=====**  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Central District of California

CHRISTOPHER W. BOSH, an individual )  
Plaintiff )  
v. )  
SHED MEDIA US INC., a Delaware corporation; and )  
ALLISON M. MATHIS, )  
an individual; and DOES 1 through 10, inclusive, )  
Defendant )

Civil Action No.

**CV11-03782 DMG (PJW)**

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address)

Shed Media US Inc.  
National Corporate Research, Ltd.  
523 W 6<sup>th</sup> Street, Suite 544  
Los Angeles, CA 90014

Allison M. Mathis 1408 Whitney Isles Dr, Windermere, FL 34786

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

C. Anthony Mulrain  
Richard P. Sybert  
Yuo-Fong Amato  
Gordon & Rees LLP  
101 West Broadway, Suite 1600  
San Diego, CA 92101, Tel: 619-696-6700, Fax: 619-696-7124

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY - 2 2011

CLERK OF COURT

JULIE PRADO



Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Christopher W. Bosh, and individual	<b>DEFENDANTS</b> – Shed Media Us Inc., a Delaware corporation; and Allison M. Mathis, and individual; and Does 1 through 10, inclusive		
<b>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> C. Anthony Mulrain, Richard P. Sybert Yuo-Fong C. Amato 101 West Broadway, Suite 1600 San Diego, CA 92101 Tel: 619-696-6700 Fax 619-696-7124	<b>Attorneys (If Known)</b>		
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<b>PTF DEF</b> <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <b>PTF DEF</b> <input type="checkbox"/> 4 <input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <b>PTF DEF</b> <input type="checkbox"/> 5 <input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <b>PTF DEF</b> <input type="checkbox"/> 6 <input type="checkbox"/> 6

<b>IV. ORIGIN</b> (Place an X in one box only.)		<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ 75,000.00	
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**VI. CAUSE OF ACTION** (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. § 1125

**VII. NATURE OF SUIT (Place an X in one box only.)**

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>BANKRUPTCY</b> <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities – Employment <input type="checkbox"/> 446 American with Disabilities – Other	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
		<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 464 Other Immigration Actions	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
						<b>SOCIAL SECURITY</b> <input type="checkbox"/> 61 HIA(1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW'W 405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
						<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

## CIVIL COVER SHEET

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
	Texas – Christopher W. Bosh

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles - Shed Media US Inc.	Florida - Allison M. Mathis

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date May 2, 2011

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

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